

EXHIBIT 10

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

11 IN RE ABBOTT LABS NORVIR
12 ANTITRUST LITIGATION

Case No. C-04-1511 CW

13 **DEFENDANT ABBOTT**
14 **LABORATORIES' RESPONSES TO**
15 **PLAINTIFFS' EIGHTH DOCUMENT**
16 **REQUESTS**

17 **The Honorable Judge Wilken**

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1 prepare a privilege log for any documents generated after April 19, 2004, the filing date for the
2 original Complaint, because doing so would be unduly burdensome given the active and ongoing
3 involvement of attorneys subsequent to that date.

4 6. Abbott objects to Plaintiffs' Document Requests on the grounds that they seek
5 documents that are unreasonably cumulative of other requests, or are obtainable from some other
6 source that is more convenient, less burdensome, or less expensive. Fed. R. Civ. P. 26(b)(2)(i).

7 7. Abbott objects to Plaintiffs' Document Requests to the extent that they are ambiguous
8 or overly broad.

9 8. Abbott objects to Plaintiffs' Document Requests to the extent that they seek
10 documents and information for which the burden or expense of production outweighs its likely
11 benefit in resolving the issues of this action. Fed. R. Civ. P. 26(b)(2)(iii).

12 **RESPONSES TO DOCUMENT REQUESTS**

13 **DOCUMENT REQUEST NO. 1:**

14 **All documents or communications showing all revenues, costs, and profits for Norvir,**
15 **Kaletra, and Lopinavir.**

16 **RESPONSE:** In addition to its general objections, Abbott specifically objects to this request
17 because it is overly broad, irrelevant and seeks duplicative information. Abbott further objects to
18 this request because Plaintiffs do not define "revenues," "costs," and "profits," and, as such, this
19 request is ambiguous and vague. Without waiving its objections and subject to them, Abbott agrees
20 to produce documents sufficient to show "revenues," "costs," and "profits" for Norvir and Kaletra to
21 the extent they exist and have not already been produced.

22 **DOCUMENT REQUEST NO. 2:**

23 **All documents or communications referring to the projected and actual overhead for**
24 **Norvir, Kaletra, and Lopinavir.**

25 **RESPONSE:** In addition to its general objections, Abbott specifically objects to this request
26 because it is overly broad, irrelevant and seeks duplicative information. Abbott further objects to
27 this request because Plaintiffs do not define "overhead," and, as such, this request is ambiguous and
28 vague. Without waiving its objections and subject to them, Abbott agrees to produce documents

1 sufficient to show the “overhead” for Norvir and Kaletra to the extent they exist and have not
2 already been produced.

3 **DOCUMENT REQUEST NO. 3:**

4 **All documents or communications referring to either the capital costs or capital**
5 **invested for Norvir, Kaletra, and Lopinavir.**

6 **RESPONSE:** In addition to its general objections, Abbott specifically objects to this request
7 because it is overly broad, irrelevant and seeks duplicative information. Abbott further objects to
8 this request because Plaintiffs do not define “capital costs” or “capital invested” and, as such, this
9 request is ambiguous and vague. Without waiving its objections and subject to them, Abbott agrees
10 to produce documents sufficient to show the “capital costs” or “capital invested” for Norvir and
11 Kaletra to the extent they exist and have not already been produced.

12 **DOCUMENT REQUEST NO. 4:**

13 **All documents or communications reflecting the pass-through of wholesale acquisition**
14 **price to consumers for Norvir.**

15 **RESPONSE:** In addition to its general objections, Abbott specifically objects to this request
16 because it is overly broad, irrelevant, seeks duplicative information, and seeks documents not in
17 Abbott’s possession or control. Plaintiffs also have not defined “pass-through of wholesale
18 acquisition price,” and, as such, this request is ambiguous and vague. Without waiving its objections
19 and subject to them, Abbott agrees to produce documents sufficient to show the “pass-through” price
20 for Norvir to consumers to the extent they exist and have not already been produced.

21 **DOCUMENT REQUEST NO. 5:**

22 **All documents or communications referring to any efforts by Abbott to advertise,**
23 **publicize, and/or promote or publicize its Patient Assistance Program relating to Norvir.**

24 **RESPONSE:** In addition to its general objections, Abbott specifically objects to this request
25 because it is overly broad, irrelevant and seeks duplicative information. Abbott already has
26 produced documents and communications relating to its PAP around the time of the price increase
27 and documents showing the number of Norvir and Kaletra consumers enrolled in its PAP. Abbott’s
28 efforts to “advertise, publicize, and/or promote or publicize” its PAP is irrelevant to any claim or

DOCUMENT REQUEST NO. 19:

All documents or communications referring to or reflecting any effect the price increase on Norvir would have on the market share of HIV drugs other than protease inhibitors.

RESPONSE: In addition to its general objections, Abbott specifically objects to this request because it is overly broad, irrelevant and seeks duplicative information. Plaintiffs also have not defined “market share,” so this request is ambiguous and vague. Without waiving its objections and subject to them, Abbott agrees to produce such documents to the extent they exist and have not already been produced.

DOCUMENT REQUEST NO. 20:

All documents or communications sufficient to show what Abbott expected or assumed about sales substitution between Kaletra, Norvir, and other PIs on the one hand and any non-PI HIV medications on the other hand (including in the latter group nucleoside reverse transcriptase inhibitors, non-nucleoside reverse transcriptase inhibitors, and fusion inhibitors) as a consequence of any increase in the price of Norvir, Kaletra, or any other PI or group of PIs.

RESPONSE: In addition to its general objections, Abbott specifically objects to this request because it is overly broad, irrelevant and seeks duplicative information. This request is also argumentative, confusing, and vague. Plaintiffs for example have not defined “sales substitution.” Without waiving its objections and subject to them, Abbott agrees to produce such documents to the extent they exist and have not already been produced.

Dated: May 25, 2007

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